

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

JASON ALAN SANDERS,

Plaintiff,

vs.

**Case No.: 2:19-cv-2438
JUDGE GEORGE C. SMITH
Magistrate Judge Vascura**

DALLAS BALDWIN, *et al.*,

Defendants.

ORDER

On June 24, 2019, the United States Magistrate Judge issued an *Order and Report and Recommendation* recommending that the Plaintiff's Motion for Leave to Proceed in forma Pauperis be granted and that Plaintiff be permitted to proceed on his conditions-of-confinement claim against Defendants Sgt. Lewis Schrader and Lt. Johnson, but dismiss his claims against the remaining Defendants pursuant to 28 U.S.C. § 1915(e)(2) for failure to state a claim on which relief may be granted. (*See Order and Report and Recommendation*, Doc. 2). The parties were advised of their right to object to the *Order and Report and Recommendation*. This matter is now before the Court on Plaintiff's Objections. (*See* Doc. 4). The Court will consider the matter *de novo*. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

In Plaintiff's objections, he requests counsel be appointed and the Magistrate Judge denied that request. (*See* Doc. 5). Additionally, Plaintiff objects to the dismissal of his § 1983 claims and continues to explain his ongoing issues with being segregated and denied access to the phone, however, he has failed to address why the Magistrate Judge's rulings should be overruled. The Magistrate Judge concluded that Plaintiff's Complaint failed to provide sufficient

factual content or context from which the Court could reasonably infer that Defendant Dallas Baldwin or the other Defendants, now naming Judges, were personally involved in any violation of Plaintiff's rights. The Court agrees. Plaintiff's Complaint fails to state a claim upon which relief can be granted as to Dallas Baldwin, Judge Green and Judge Paley.

Therefore, for the reasons stated in detail in the *Order and Report and Recommendation*, this Court finds that Plaintiff's objections are without merit and are hereby **OVERRULED**.

The *Order and Report and Recommendation and Order*, Document 2, is **ADOPTED** and **AFFIRMED**. Plaintiff's Motion for Leave to Proceed in forma Pauperis is **GRANTED**. Plaintiff may proceed on his Eighth Amendment conditions-of-confinement claim against Defendants Shrader and Johnson, however, all other claims are hereby dismissed.

The Clerk shall remove Documents 2 and 4 from the Court's pending motions list.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT